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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,334	09/25/2003	Christof Heintz	LO34-001	9669
21567 7590 09/10/2007 WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			EXAMINER NEGRON, WANDA M	
			ART UNIT	PAPER NUMBER
			2622	
			MAIL DATE	DELIVERY MODE
			09/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/672,334

Applicant(s)

HEINTZ, CHRISTOF

Examiner

Wanda M. Negrón

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The 35 USC § 112 rejection of claim 10 has been withdrawn in view of the amendment filed 6/18/2007.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claim 13** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. New claim 13 recites "a first release device configured to release the independent digital camera, and wherein the independent digital camera comprises a second release device configured to release the binoculars". Applicant's specification does not describe a configuration for the first and second release devices.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Kamakura et al. (EP Application Publication No. 1235095A1).**

6. Regarding **claim 14**, Kamakura et al. disclose a monocular device (40) comprising a tube (see figure 2) comprising a beam path through an objective (41) and an eyepiece (48), a beam splitter (59) in the beam path, and a module secured to the tube (see figure 1) and comprising an image sensor (44) configured to receive a portion of a light beam from the beam splitter (see figure 2), the image sensor configured to convert the portion of the light beam into digital data (see col. 6, lines 5-6), wherein the device is configured without permanent recording capabilities of digital data (see col. 6, lines 23-26).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 15-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamakura et al. (EP Application Publication No. 1235095A1).**

9. Regarding **claim 15**, as mentioned in the discussion of claim 14 above, Kamakura et al. disclose all the limitations of the parent claim. Kamakura et al.,

however, fail to explicitly disclose a data transmission device selectively removable from the module.

Official notice is taken that the concept and the advantage of having a data transmission device selectively removable from an imaging device are old and well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a data transmission device selectively removable from the module in order to remotely display or record the images captured by the image sensor.

10. Regarding **claim 16**, Kamakura et al. fail to disclose that the module further comprises an auto-focus device. Official notice is taken that the concept and the advantage of having an auto-focus device in an imaging device are old and well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include an auto-focus device in the module in order to automatically focus the image to be captured.

11. Regarding **claim 17**, Kamakura et al. fail to disclose that the module further comprises a microphone. Official notice is taken that the concept and the advantage of including a microphone in an imaging device are old and well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a microphone in the module in order to record comments from the user at the time of image capture.

12. **Claims 1-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammond (US Application Publication No. 2003/0128426 A1) in view of Oie (US 6,188,431 B1).**

13. **Claims 1-10** remain rejected under 35 U.S.C. §103(a) for the same reasons discussed in the previous Office action mailed 1/18/2007 are herein repeated for the same reasons (see Response to Arguments).

14. Regarding **claim 11**, although Hammond, as modified by Oie, discloses delivering image data wirelessly (see last sentence of paragraph [0013] in Hammond), a wireless standard is not explicitly disclosed. Official notice is taken that Bluetooth specifications and the IEEE 802.11 standard are well-known in the relevant art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use either Bluetooth or IEEE 802.11b standards in order to achieve wireless capability.

15. **Claims 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over in view of Hammond (US Application Publication No. 2003/0128426 A1) in view of Wu (US Application Publication No. ), and further in view of Oie (US 6,188,431 B1).**

16. Regarding **claim 12**, Hammond discloses an observation system with imaging recording function (see *Abstract*, lines 1-2) comprising a plurality of binocular tubes (12, 14), each comprising a beam path (16, 18) through an objective (20, 22) and an eyepiece (32, 34), a device for coupling out a partial light beam (54), and a module, i.e.

a sensor housing (15), with an image sensor (70) for converting images into digital data, which is secured to the binocular tube which contains said device wherein an optical signal from the partial light beam of the device is transmitted to the image sensor (see figures 1 and 2). Hammond, however, does not explicitly teach that the module is removable and also does not explicitly teach that said observation system also comprises an independent digital camera with an interface for an additional external image sensor wherein the module is connected to the interface of the digital camera for transmitting digital image information and wherein the image sensor of the module is configured to be used as the additional external image sensor of the digital camera.

Wu, on the other hand, discloses an observation system comprising a removable module housing an image sensor (see figure 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the capability of Wu to the Hammond device since it would minimize the costs associated with having a dedicated telescopic camera and a regular digital camera versus having a telescopic device and a removable digital camera.

In addition, Oie discloses a system comprising an independent digital camera with an interface for an additional external image sensor. More specifically, Oie teaches an electronic camera with a first image sensor that connects via an RS 232C cable or infrared rays (see col. 2, lines 25-28) to another electronic camera comprising a second image sensor (see figure 3) for transmitting digital image information (see col. 2, lines 25-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the digital camera disclosed by Oie with the observation system disclosed by Hammond in order to share image data without requiring additional equipment, time and labor (see col. 1, lines 33-41), and in order to add remote control capability to the system (see col. 10, lines 17-24).

17. Regarding **claim 13**, Hammond, as modified by Wu and Oie, discloses a first release device (see Hammond, switch circuit 114) and a second release device (see Oie, shutter key 9).

### ***Response to Arguments***

18. Applicant's arguments filed 6/18/2007 have been fully considered but they are not persuasive.

19. Applicant asserts on pages 6-7 that the motivational rationale for modifying the Hammond device is redundant and against common sense, and, therefore, inexistent. The examiner respectfully disagrees.

20. Although the Hammond device does provide the capability for connecting to a display device or a computer, e.g. laptop, desktop or PDA (see paragraph [0013]), the Hammond reference does not teach that the images can be **directly transferred** to another electronic still camera. It is further noted that the Oie reference supports the above position by the examiner in that it discloses that, when transmitting image data from one electronic still camera to another, the image data "has to be first transferred to a piece of external electronic equipment, such as a personal computer, and thereafter



the external electronic equipment has to transfer the image data to another electronic still camera" (see col. 1, lines 33-42). Therefore, those of ordinary skill in the relevant art will readily appreciate combining the Hammond device with the Oie device in order to share image data without requiring additional equipment, time and labor.

For the foregoing reasons, the rejection is still deemed proper and has been maintained.

### ***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- D'Alfonso et al. (US Patent No. 5,696,553) teaches a camera head detachable from the camera control unit.

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda M. Negrón whose telephone number is (571) 270-1129. The examiner can normally be reached on Mon-Fri 6:30 am - 4:00 pm alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wanda M. Negrón/

Examiner, Art Unit 2622  
August 31, 2007



DAVID OMETZ  
SUPERVISORY PATENT EXAMINER